

SENATE BILL 2819
By Tracy

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29; Title 43; Title 63, Chapter 1; Title 63,
Chapter 12; Section 67-6-102 and Title 68,
Chapter 1, relative to veterinarians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 12, is amended by deleting such chapter in its entirety.

SECTION 2. Tennessee Code Annotated, Title 43, is amended by adding Sections 3 through 41 of this act as a new chapter thereto.

SECTION 3. This chapter shall be known and may be cited as the "Tennessee Veterinary Practice Act of 1967".

SECTION 4. It is hereby declared that the practice of veterinary medicine is a privilege that is granted by legislative authority in the interest of the public health, safety and welfare. To protect the public from being misled by incompetent, unscrupulous, and unauthorized practitioners, and from unprofessional or illegal practices by persons licensed to practice veterinary medicine, this chapter is enacted in the interest of the health, safety and welfare of the animal population and the citizens of Tennessee.

SECTION 5. As used in this chapter:

(1) "Animal" means any animal other than man, and includes fowl, birds, reptiles and fish, wild or domestic, living or dead;

(2) "Board" means the board of veterinary medical examiners;

(3) "Certified animal control agency" means a county or municipal animal shelter, dog pound, or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, that temporarily houses stray,

unwanted, or injured animals and that is certified pursuant to the provisions of this chapter;

(4) "Certified animal euthanasia technician" means a person employed by a certified animal control agency who is authorized by the board to humanely euthanize animals by administering such drugs as are designated by the board for such use;

(5) "Complainant" means the board or any other person who initiates a proceeding;

(6) "Department" means the department of agriculture;

(7) "License" means any permit, approval, registration or certificate issued by the board;

(8) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state;

(9) "Licensed veterinary technician" means a person who has successfully completed the examination requirements prescribed by the board and has been issued a license;

(10) "Practice of veterinary medicine" means to:

(A) Diagnose, prescribe, or administer any drug, medicine, biologic, appliance, application, or treatment of whatever nature for the cure, prevention or relief of any wound, fracture, bodily injury, or disease of animals;

(B) Perform any surgical operation, including cosmetic surgery, upon any animal;

(C) Perform any manual procedure for the diagnosis or treatment for sterility or infertility of animals;

(D) Represent oneself as engaged in the practice of veterinary medicine in any of its branches;

(E) Offer, undertake, or hold oneself out to be able to diagnose, treat, operate, or prescribe for any animal disease, pain, injury, deformity, or physical condition;

(F) Use any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine; such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine;

(G) Collect blood or other samples for the purpose of diagnosing disease or other conditions. This shall not apply to unlicensed personnel employed by the United States department of agriculture or the Tennessee department of agriculture who are engaged in the brucellosis eradication program or external parasite control program, nor shall it apply to unlicensed personnel who perform laboratory examinations. This section does not prohibit extension personnel or vocational agriculture teachers from doing educational work that is considered normal to their profession; and

(H) Remove an embryo from a food animal or companion animal for the purpose of transplanting such embryo into another female animal or for the purpose of cryopreserving such embryo. It shall not be considered the practice of veterinary medicine for a person or the person's employees to remove an embryo from such person's own food or companion animal for the purpose of transplanting or cryopreserving such embryo;

(11) "Preceptor" means a person who is a last year student duly enrolled and in good standing in a recognized college of veterinary medicine. Such person's presence in a practice may be as part of a formal preceptorship program of the person's college or

as an informal arrangement between the person and a veterinarian licensed by the board. The preceptor must be under direct supervision of such licensed veterinarian;

(12) "Responsible supervision" or words of similar purport mean the control, direction and regulation by a licensed veterinarian of the duties involving veterinary services that such veterinarian delegates to such veterinarian's personnel;

(13) "School of veterinary medicine" means any veterinary school or college, department of a university or college, legally organized, whose course of study in the art and science of veterinary medicine conforms to the standards required for accreditation by the American Veterinary Medical Association and approved by the board;

(14) "Temporary license" means temporary permission to practice veterinary medicine issued pursuant to this chapter;

(15) "Unprofessional or unethical conduct," among other things, means any conduct of a character likely to deceive or defraud the public, objectionable advertising, obtaining any fee or compensation by fraud or misrepresentation, sharing office space with any person illegally practicing veterinary medicine, employing either directly or indirectly any unlicensed person to practice veterinary medicine or render any veterinary service except as provided in this chapter, or the violation of any rule adopted by the board, which shall provide a code of professional ethics to be followed and carried out by persons licensed under this chapter;

(16) "Veterinarian" means a person who has received a doctor's of veterinary medicine degree or its equivalent from an approved school or college of veterinary medicine;

(17) "Veterinary facility" means:

(A) Animal medical center - A veterinary or animal medical center means a facility in which consultative, clinical, and hospital services are rendered, and in

which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;

(B) Clinics - A veterinary or animal clinic means a facility in which the practice conducted is essentially an out-patient type of practice;

(C) Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;

(D) Mobile facility - A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations; and

(E) Office - A veterinary facility where a limited or consultative practice is conducted and that provides no facilities for the housing of patients;

(18) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine; and

(19) "Veterinary technician" means a person who is a graduate of a veterinary technology program accredited by the American Veterinary Medical Association.

SECTION 6.

(a) There is created the board of veterinary medical examiners, referred to as the "board" in this chapter.

(b) The board shall be composed of five (5) licensed doctors of veterinary medicine, who shall be graduates of an approved school of veterinary medicine and of good standing in their profession, and who have had not less than five (5) years' actual experience in the practice of veterinary medicine; one (1) licensed veterinary technician,

who shall be a graduate of an approved veterinary technology program, is of good standing in the profession, and who has had not less than five (5) years' actual experience as a licensed veterinary technician; and one (1) member of the general public as provided by § 63-1-124.

(c) The members of the board shall be appointed by the governor for a term of five (5) years. Each member so appointed shall serve until the expiration of the particular five-year term to which the member is appointed, and thereafter until the member's successor has been appointed by the governor. The governor shall appoint new members to the board to serve after the date of expiration of each of these terms until August 1 of the fifth calendar year thereafter. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(d) In the event of a vacancy on the board, the governor shall appoint a new member to serve out the unexpired term. No member may be reappointed to the board until one (1) year after the expiration of the member's term of office, except that a person appointed for a term of less than five (5) years may be reappointed.

(e) The Tennessee Veterinary Medical Association may recommend licensed doctors of veterinary medicine and licensed veterinary technicians for appointment to the board, and the governor, in the governor's discretion, may follow such recommendations.

(f) No person who has been appointed a member of the board shall continue on the board if, during the term of the member's appointment, the member shall:

(1) Transfer the member's legal residence to another state;

(2) Be or become the owner of, or be employed by, any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine; or

(3) Have the member's license to practice veterinary medicine rescinded for cause in accordance with the provisions of this chapter.

(g) The governor may suspend any member of the board for malfeasance, misfeasance, gross inefficiency or misconduct, or upon any of the constitutional grounds upon which officers may be suspended by the governor.

(h) The state veterinarian, as appointed by the commissioner of agriculture, shall serve as a nonvoting, ex officio member of the board of veterinary medical examiners.

(i) For administrative purposes, the board shall be attached to the department of agriculture.

SECTION 7.

(a) The board shall meet annually at such time and place as may be agreed upon by a majority of the members, at which meeting it shall elect from its membership a president, vice president, and secretary. The board is authorized to create other officers and to adopt such rules and regulations as may be proper for the efficient operation of the board.

(b) Four (4) members of the board shall constitute a quorum for the transaction of all business.

(c) The board shall meet at such other times and places to conduct business upon call of the president.

(d) The board shall adopt a seal that shall be affixed to all licenses issued by the board and to other papers requiring the same.

SECTION 8. The board is authorized to:

(1) Adopt reasonable rules governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent of this chapter. Such rules shall be adopted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(2) Adopt rules of professional conduct appropriate to establish and maintain a high standard of integrity, skills, and practice in the profession of veterinary medicine. In prescribing such rules of professional conduct, the board may be guided by the principles of veterinary medical ethics adopted by the American Veterinary Medical Association and the Tennessee Veterinary Medical Association;

(3) Have its rules printed and distributed to all licensed doctors of veterinary medicine;

(4) Bring proceedings in courts for the enforcement of this chapter or any rules made pursuant thereto;

(5) Hold at least one (1) regular meeting each year at such time and place as fixed by the board. Other meetings may be held upon the call of the president and secretary. The regular meetings will be for the purpose of conducting examinations of applications for license to practice veterinary medicine, the election of officers, and to consider any other business that may properly come before the board;

(6) Pass upon the qualifications of applicants for a license to practice veterinary medicine in this state;

(7) Prescribe the subjects, character, manner, time, and place of holding examinations and the filing of applications for examinations and to conduct the examinations;

(8) Issue temporary permits or licenses, which shall be signed by the secretary, to duly qualified applicants;

(9) Provide for, regulate, and require all persons licensed in accordance with the provisions of this chapter to renew their license annually; require as a condition precedent to such annual renewal the payment of the annual renewal fee as set by the board; issue annual renewal licenses to such persons and suspend or revoke the license of such persons who fail, refuse, or neglect to renew same or pay such fees;

(10) Conduct investigations and hearings upon complaints calling for discipline of a licensee or applicant for license, or certificate or permit holder, or applicant for a certificate or a permit;

(11) Take testimony on any matter under its jurisdiction, and any member thereof may administer oaths;

(12) Issue summonses and subpoenas, including subpoenas duces tecum, which shall be signed by either the president or the secretary-treasurer of the board, for any witness in connection with any matter within the jurisdiction of the board;

(13) Adopt such forms as it may deem necessary;

(14) Establish continuing educational requirements; and

(15) Issue such certificates as are authorized under this chapter.

SECTION 9.

(a) The board shall meet at least once each year at such times and places as it may decide upon, and remain in session sufficiently long to examine all who may make application at the appointed time for a license.

(b) Four (4) members of the board shall constitute a quorum for the transaction of business and examination of candidates for license. A majority of those present shall be necessary to reject any application, but such rejection shall not bar the applicant from reexamination at the next regular meeting of the board.

SECTION 10.

(a) The members of the board shall receive as compensation for their services fifty dollars (\$50.00) per day, each, for each day or portion thereof, while in actual service of the board, which, together with the necessary expenses of each meeting of the board, shall be paid out of any moneys in the treasury of the board upon the certificate of the president and secretary.

(b) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 11. It is unlawful for the board or any member thereof, in any manner whatsoever or for any purpose, to charge or obligate the state for the payment of any money, and the board shall look alone to the revenue derived from the operation of this chapter for the compensation designated above. If the revenue is not sufficient to pay each member in full, together with the necessary expenses of the board, then the amount available shall be prorated among the members. But if there should be a greater revenue derived than shall be required to pay the compensation and expenses including, but not limited to, the administrative and personnel expenses deemed necessary in the discretion of the board to conduct inspections and issue licenses, permits and certificates as provided by this chapter, directed, any surplus shall be paid to the state treasurer, who shall receipt the board for the amount so received and shall account for the money as for other state revenue.

SECTION 12.

(a) The board shall keep records of its proceedings in a book provided for that purpose, especially with relation to the issuance, denial, renewal, suspension, and revocation of licenses to practice veterinary medicine.

(b)

(1) All licenses issued by the board shall be numbered and recorded by the secretary in a file for that purpose, and, where a license is denied by the board to any applicant under this chapter, the fact and grounds for such denial shall be entered on the minutes of the board.

(2) The time of issuance or denial of license shall be noted along with the names of those board members present; and such file or record shall be open to public inspection.

(c) These records shall be maintained in the department.

(d) Information received by the board through inspections and investigations shall be confidential and shall not be disclosed, except in a proceeding involving the question of license.

SECTION 13.

(a) The board may approve schools and colleges of veterinary medicine, which maintain standards of training and reputability sufficient to admit their graduates to the examinations given by the board.

(b) In determining the standard of training and reputation of schools or colleges of veterinary medicine, the board may approve schools and colleges that are accredited by the American Veterinary Medical Association.

(c) The board may approve graduates of foreign schools of veterinary medicine that have been approved by the American Veterinary Medical Association, or by obtaining proof that the college or school maintains standards equal to the standards of approved colleges or schools in the United States, to take the examinations given by the board.

SECTION 14.

(a) Any person wishing to practice veterinary medicine in this state shall obtain a license from the board. It is unlawful for such person to practice veterinary medicine as defined in Section 5 of this act, unless the person obtains a license, and, if the person so practices, the person shall be considered to have violated the provisions of this chapter.

(b) The board may admit to examination any applicant who submits satisfactory evidence that the applicant:

(1) Is a graduate of a school or college of veterinary medicine approved by the board;

(2) Is in good physical and mental health;

(3) Is of good moral character;

(4) Is a citizen of the United States or Canada, or legally entitled to live within the United States;

(5) Subscribes to and will uphold the principles incorporated in the Constitution of the United States; and

(6) Has paid the required fee.

(c) Any person holding a license to practice veterinary medicine in this state that is valid on the effective date of this act, is considered to be licensed to practice veterinary medicine under this chapter and is subject to all the provisions thereof.

SECTION 15. The board may issue a temporary license to practice veterinary medicine, to be used only under the direct supervision of a licensed veterinarian, upon payment of a fee as set by the board, to:

(1) A veterinarian who meets all qualifications and requirements pursuant to this chapter and who has applied to take the examination as provided in Section 17 of this act. Such license shall remain valid until the results of the examinations are made known to the applicant.

(A) Failure on both examinations will result in immediate termination of the license.

(i) If the applicant fails one (1) of the examinations, the applicant may be issued a second temporary license but must continue under direct supervision of a licensed veterinarian and only until the results of the next regularly scheduled examination are known.

(ii) If an applicant fails the same examination on two (2) separate testing dates, the applicant may, in the discretion of the board, and upon agreeing to meet any additional requirements of the board, be issued a third temporary license for up to one (1) year, plus the time until the results of the second regularly scheduled examination after issuance of the temporary license are made known.

(iii) No applicant shall be allowed to take the same examination more than three (3) times.

(B) During the validity of the temporary license, the applicant must be under the direct supervision of a licensed veterinarian.

(C) New graduates applying for such temporary license must provide the name and address of practice of the supervising veterinarian and any other requirements specified by the board in rules and regulations; or

(2)

(A) A veterinarian duly licensed according to the laws of another state and who has made application for permanent licensure in Tennessee.

(i) A temporary license issued under the provisions of this section shall be valid until the board rules on the applicant's request.

(ii) If the board's decision is to issue a license without examination, the temporary license expires on receipt of the permanent license.

(iii) If the board's decision is for examination, then the law applies as stated in subdivision (1).

(B) An applicant who holds a license in another state or states must provide the name or names of such states, meet all qualifications and requirements pursuant to this chapter, provide the name and address of practice of the supervising veterinarian, and meet such other requirements as specified by the board in rules and regulations. All information submitted by an applicant will be subject to verification by the board.

(3) A graduate of a nonaccredited or nonapproved college of veterinary medicine who has satisfactorily completed the fourth year of clinical study at an accredited or approved college of veterinary medicine, successfully passed the examination as provided in Section 17 of this act, and is enrolled in the Educational Commission for Foreign Veterinary Graduates (ECFVG) program of the American Veterinary Medical Association, or other certification program deemed by the board to be equivalent to the ECFVG program, may be granted a temporary license. The holder of a temporary license issued under this subdivision must practice under the direct supervision of a veterinarian licensed in Tennessee. The temporary license is valid until the candidate obtains the ECFVG or equivalent certification; provided, that a temporary license issued pursuant to this subdivision shall not be valid for more than a maximum of eighteen (18) months from the date the temporary license is issued.

SECTION 16.

(a)

(1) Any person desiring to take the state board written and oral examination shall make application in writing to the board on blanks provided for that purpose at least forty-five (45) days before the examination.

(2) The application for the state board written and oral examination shall be accompanied by a nonrefundable application fee as set by the board.

(3) The application for the national board examination shall be accompanied by a nonrefundable application fee as set by the board.

(4) Any person desiring to take the clinical competency test shall make application in writing to the board on blanks provided for that purpose at least forty-five (45) days before the examination.

(5) The application for the clinical competency test shall be accompanied by a nonrefundable application fee as set by the board.

(b)

(1) Applicants who are accepted for the state board written and oral examination shall pay a fee to the board at least forty-five (45) days prior to taking the examination as set by the board.

(2) Applicants who are accepted for the national board examination shall pay a fee to the board at least forty-five (45) days prior to taking the examination as set by the board.

(3) Applicants who are accepted for the clinical competency test shall pay a fee to the board at least forty-five (45) days prior to taking the examination as set by the board.

(c) The board shall give notice of the time and place of all examinations in such manner as the board may consider expedient.

SECTION 17.

(a) The examination of applicants for license to practice veterinary medicine shall be administered by designated board members, and will consist of the national board examination and the state board examination, and will be conducted under uniform rules and regulations adopted by the board.

(b) The board shall require the applicant to take a written examination in the English language, in veterinary anatomy, veterinary surgery, veterinary physiology, veterinary pathology, veterinary obstetrics, veterinary materia medica, and veterinary practice, chemistry, and such other subjects related to veterinary medicine as the board may require.

(c) The examination may include oral and practical examinations.

(d) The minimum passing grade shall be established by the board.

SECTION 18.

(a) If the applicant for examination is found worthy and competent by the board, the board shall issue to the applicant a certificate of license to practice veterinary medicine in this state.

(b) Each licensee shall be entitled to exercise all the rights and privileges of a doctor of veterinary medicine. Every person practicing veterinary medicine shall be governed by the laws of this state and the rules adopted by the board.

SECTION 19. The board, in its discretion, may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that the applicant is a graduate of an approved veterinary college and meets all other standards adopted by the board in rules and regulations. At its discretion, the board may orally or practically examine any person qualifying for license under this section, or may enter into agreement for reciprocal licensing with other states having substantially similar requirements for licensure.

SECTION 20. Any person who practices or attempts to practice veterinary medicine in this state and makes a charge for the practice, without having complied with the provisions of this chapter, commits a Class B misdemeanor for each instance of such practice.

SECTION 21.

(a) Each license holder under this chapter, except as otherwise provided, shall be required to meet continuing educational requirements each year within the renewal period, which are approved by the board, such as those conducted or sponsored by the Tennessee Veterinary Medical Association, the Southern Veterinary Medical Association, the American Veterinary Medical Association or any of its constituent branches. The minimum number of hours of attendance for continuing education so required shall be prescribed by the board. However, postgraduate study or attendance at an institution or an educational session approved by the board shall be considered equivalent, but the board shall have the right, for good cause shown, to prescribe the type and character of postgraduate study to be done by any doctor of veterinary medicine in order to comply with the requirements of this chapter.

(b) The board, in its discretion, may waive the annual continuing education requirements for good cause shown.

(c) The board shall promulgate, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, rules that establish criteria for issuance of the continuing education credits required by this section.

SECTION 22.

(a) All persons who are now or may hereafter be licensed to practice veterinary medicine in this state shall renew such license as follows:

(1) Each year, the secretary-treasurer of the board shall mail an application for renewal of license to every person holding a valid current license;

(2) The applicant shall fill in the application and return it to the secretary-treasurer of the board;

(3) The applicant shall furnish the board such evidence as it may require of having complied with provisions pursuant to this chapter, relating to the annual educational program;

(4) The annual renewal fee shall be set by the board and shall be paid at the time the application for renewal of license is filed;

(5) If any holder of a license fails to renew the license within sixty (60) days after registration becomes due, as provided in this section, the license or certificate of such person shall be automatically revoked at the expiration of the sixty (60) days after the registration was required, without further notice or hearing unless requested;

(6) However, during any war or national emergency, the holder of a license, on active duty with the armed services, shall not be required to renew the license until January 1 of the year following the date of the holder's release from such active duty; and

(7) The acceptance of any fee by the board shall not in any way affect the board's powers or duties with respect to the revocation, suspension, or refusal to grant any license.

(b) All fines for offenses for the violation of this chapter shall be paid over to the board and shall become a part of the receipts of the board. All money received by the board shall be paid into the state treasury and become a part of the general fund of the state. The budget director shall make such allotments out of the general fund as the budget director may deem proper for the necessary expenses of the board, and no expenditure shall be made by the board unless and until such allotment has been made

by the budget director. Such allotments shall be disbursed under the general budgetary laws of this state.

(c) Any person licensed to practice veterinary medicine, who has retired or may hereafter retire from such practice in this state, shall not be made to register as required by this chapter if such person shall file with this board an affidavit on a form to be furnished by the board, which affidavit shall state the date on which such person retired from such practice and such other facts as shall tend to verify such retirement as the board shall deem necessary. If such person thereafter reengages in the practice of veterinary medicine in this state, such person shall apply for registration with the board as provided by this chapter, and shall meet continuing education requirements as set by the board.

(d)

(1) Notwithstanding any provision of this chapter to the contrary, the department shall establish a system of license renewals at alternative intervals that will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Licenses issued under the alternative method are valid for twenty-four (24) months, and shall expire on the last day of the last month of the license period. However, during a transition period, or at any time thereafter when the board shall determine that the volume of work for any given interval is unduly burdensome or costly, either the licenses or renewals, or both, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except

that the proportional fee shall be rounded off to the nearest quarter of a dollar (25¢).

(2) No renewal application will be accepted after the last day of the month following the license expiration date under the alternative method authorized in this subsection (d).

SECTION 23.

(a) The board, by an affirmative vote of three (3), at any time after suspension or revocation of a license for good and sufficient cause, may reissue a license to the person affected, conferring upon the person all the rights and privileges pertaining to the practice of veterinary medicine.

(b) Any person to whom such license may be reissued shall pay the same fee as upon the issuance of the original license.

SECTION 24.

(a) The board may issue a duplicate license to replace one that has been lost or destroyed, or where a name change is requested, for a fee as set by the board.

(b) Each duplicate license shall have the word "Duplicate" typed or printed across its face.

SECTION 25.

(a) The board, pursuant to the procedure prescribed in this section, has the power to deny, suspend or revoke any license, or to otherwise discipline an applicant or licensee who is found guilty by the board of one (1) or more of the following:

(1) Willful or repeated violation of any provisions of this chapter or any rules of the board;

(2) Fraud or deceit in procuring or attempting to procure a license to practice veterinary medicine, or presenting to the board dishonest or fraudulent

evidence of qualification, or fraud, or deception in the process of examination for the purpose of securing a license;

(3) The willful failure to display a license;

(4) Fraud, deception, misrepresentation, dishonest or illegal practices in or connected with the practice of veterinary medicine in any of its branches;

(5) Willfully making any misrepresentation in the inspection of food for human consumption;

(6) Fraudulently issuing or using any health certificate, vaccination certificate, inspection certificate, test chart, or other blank form used in the practice of veterinary medicine to the dissemination of animal disease, transportation of diseased animals, or the sale of inedible products of animal origin for human consumption;

(7) Fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic, or other biological test;

(8) Failure to keep the equipment and premises of the business establishment in a clean and sanitary condition;

(9) Refusing to permit the board or any legal representative of the board to inspect the business premises of the licensee during regular business hours;

(10) Circulating knowingly untrue, fraudulent, misleading, or deceptive advertising;

(11) Gross malpractice or a pattern of continued or repeated malpractice, ignorance, negligence, or incompetence in the course of veterinary medical practice;

(12) Unprofessional or unethical conduct, or engaging in practices in connection with the practice of veterinary medicine that are in violation of the

standards of professional conduct, as defined in this section or prescribed by the rules of the board;

(13) Conduct reflecting unfavorably upon the profession of veterinary medicine;

(14) The willful making of any false statement as to material matter in any oath or affidavit that is required by this chapter;

(15) Revocation by another state of a license to practice veterinary medicine in that state, in which case the record of such revocation shall be conclusive evidence;

(16) Conviction on a charge of cruelty to animals;

(17) Conviction of a felony under federal or state law involving use, misuse, possession, or sale of any controlled substance;

(18) Conviction of a felony in the courts of this state, or of any other state, territory, or country that, if committed in this state, would be a felony;

(A) The record of conviction in a court of competent jurisdiction shall be sufficient evidence for disciplinary action to be taken as may be considered proper by the board. For the purpose of this chapter, a conviction shall be considered to be a conviction that has been upheld by the highest appellate court having jurisdiction, or a conviction upon which the time for filing an appeal has passed; and

(B) A record of conviction upon charges that involve the unlawful practice of veterinary medicine, and based upon such record of conviction, without any other testimony, the board may take temporary disciplinary action even though an appeal for review by a higher court may be pending;

(19) Permitting or allowing another to use the licensee's license for the purpose of treating or offering to treat sick, injured, or affected animals;

(20) Engaging in the practice of veterinary medicine under a false or assumed name, or the impersonation of another practitioner of a like, similar, or different name;

(21) Has been guilty of employing, or permitting any person who does not hold a license to practice veterinary medicine in this state, to perform work that, under this chapter, can lawfully be done only by persons holding such license and permitted by law to practice veterinary medicine in this state. It shall be conclusively presumed that any unlicensed person, if employed by a licensed person, was employed for such purpose if the unlicensed person has attended any school of veterinary medicine or surgery, accredited or otherwise, for a period of over thirty (30) days;

(22) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate the applicant or licensee from the performance of the applicant's or the licensee's professional obligations and duties;

(23) Professional incompetence;

(24) Having been adjudged mentally incompetent by a court of competent jurisdiction, and the disabilities of such person not having been restored, or the voluntary commitment or admission to a state hospital or other mental institution. The record of adjudication, judgment, order, or voluntary commitment is conclusive evidence of such mental illness, and upon receipt of a certified copy of any such adjudication, judgment, order, or record of voluntary commitment by the board, it may suspend the license of the person so adjudicated or committed;

(25) Failure to report, as required by law, or making false report of, any contagious or infectious disease as referred to under the USDA standards for accreditation of veterinarians in Tennessee and other states;

(26) Has been found guilty of using biologicals or other drugs that have deteriorated, or after the expiration date of that particular lot or serial number;

(27) Has been convicted of any crime involving moral turpitude; or

(28) Dispensing, prescribing, or otherwise distributing any controlled substance or any other drug not in the course of the accepted practice of veterinary medicine.

(b) The board may, on its own motion, cause to be investigated any report indicating that a veterinarian is or may be in violation of the provisions of this chapter.

(c) Any person who in good faith shall report to the board any information that a veterinarian is or may be in violation of any provisions of this chapter shall not be subject to suit for civil damages as a result thereof.

SECTION 26. The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, shall apply to all proceedings of the board and regulations promulgated pursuant to this chapter.

SECTION 27.

(a) The board has the authority to enter an order to discipline any person, corporation, or other similar organization, public or private, for-profit or not-for-profit, who or which, after proper hearing, has been found guilty by the board of a violation of one (1) or more provisions of this chapter or any rule of the board. The board, based upon the evidence and its findings of fact, may enter its final order, which may include one (1) or more of the following provisions:

(1) Suspend or limit the right to practice veterinary medicine in this state for a period not to exceed two (2) years;

(2) Suspend or limit the right to hold a certificate or premises permit in this state for a period not to exceed two (2) years;

(3) Revoke the license to practice veterinary medicine. Following revocation of such license, the licensee may be relicensed at the discretion of the board with or without examination;

(4) Impose judgment and penalties, but suspend enforcement thereof, and place the licensee or license applicant, certificate holder or certificate applicant, premises permit holder or premises permit applicant, on probation;

(5) Suspend the imposition of judgment and penalties;

(6) Refuse to issue a new license, certificate, or premises permit;

(7) Withhold any license, certificate, or premises permit, either permanently or for a period of time, when the same has not been delivered;

(8) Suspend or limit the right to own or operate a veterinary facility in this state; or

(9) Take such other action in relation to discipline as the board in its discretion may deem proper.

(b) Immediately upon entry of the final order by the board, a copy thereof shall be delivered to the respondent and the respondent's counsel, if any, either personally or by registered or certified mail.

(c) The board shall have the discretion to grant a rehearing, if applied for within thirty (30) days. However, for good cause the time may be extended.

(d) Judicial review of orders of the board may be had by writ of certiorari or as otherwise provided by the laws of this state.

SECTION 28.

(a) The enforcement of the laws and rules of the board regulating the practicing of veterinary medicine in this state is primarily vested in the board, who may have the following powers and duties:

(1) To employ investigators, counsel, and clerical assistance, or any other necessary personnel;

(2) To inspect all veterinary facilities to determine sanitary conditions, physical equipment, methods of operation, keeping of records, etc. This inspection shall be by a member of the board or a licensed veterinarian representing the board;

(3) To inspect licenses; and

(4) To conduct investigations of all alleged violations.

(b) The powers granted to the board shall not curtail or in any manner affect or eliminate the duties, efforts, and assistance of the department of agriculture in the enforcement of this chapter.

(c) All expenses, compensation, or fees incurred in connection with enforcement duties and powers shall be paid from the funds of the board and, in all respects treated as other expenses of the board, subject to the provisions of this chapter.

SECTION 29.

The appropriate district attorney general has the authority to prosecute any criminal violation of this chapter.

The secretary-treasurer of the board, or other person employed or designated by the board, shall assist all appropriate authorities by furnishing them evidence of any violation of the provisions of this chapter or any rule or resolution promulgated pursuant to this chapter.

SECTION 30. Any person filing, or attempting to file as the person's own, the diploma or license of another, or a forged or fictitious license or diploma or certificate or forged affidavit or identification, commits a Class E felony.

SECTION 31. In addition to the penalties provided in this chapter, the board may institute legal proceedings to enjoin the violation of the provisions of this chapter or rules of the board in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation thereof.

SECTION 32.

(a) This chapter shall not be construed as applying to:

(1) Students in schools or colleges of veterinary medicine when in performance of duties or actions assigned by their instructors, or when working under the immediate supervision of a licensed veterinarian;

(2) Any lawfully qualified veterinarian residing in some other state or country when meeting in consultation with a licensed veterinarian of this state;

(3) Any veterinarian in the employ of a state agency or the United States government while actually engaged in the performance of the veterinarian's official duties. However, this exemption shall not apply to such person when the person is not engaged in carrying out the person's official duties or is not working at the installations for which the person's services were engaged;

(4) Prevent any person or the person's regular employee from administering to the ills and injuries of the person's own animals, including, but not limited to, castration of animals and dehorning of cattle, unless title has been transferred or employment provided for the purpose of circumventing this law;

(5) State agencies, accredited schools, institutions, foundations, business corporations, or associations, physicians licensed to practice medicine and

surgery in all its branches, graduate doctors of veterinary medicine or persons under the direct supervision thereof, who or which conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;

(6) Veterinary aides, nurses, laboratory technicians, or other employees of a licensed veterinarian who administer medication or render auxiliary or supporting assistance under the responsible supervision of such licensed veterinarian;

(7) Any licensed veterinarian residing near the border of a neighboring state and duly authorized, under the laws thereof, to practice veterinary medicine therein whose practice extends into the limits of this state. However, such practitioner shall not open any office or appoint a place to meet patients in this state;

(8) Any person gratuitously treating animals in cases of emergency; provided, that the person does not claim to be a veterinarian or use any title or degree appertaining to the practice thereof;

(9) Any merchant or manufacturer selling, at the merchant's or manufacturer's regular place of business, medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases. This shall not be construed to authorize the sale of medicines or biologicals that must be obtained by a prescription from a veterinarian, but shall only include the right to

sell those medicines that are classified as proprietary and that are commonly known as over-the-counter medicines; or

(10) Any person advising with respect to or performing acts that the board by rule has prescribed as accepted livestock management practice.

(b) The operations known as "castrating," and "dehorning," are not regarded as practicing veterinary surgery, and nothing in this chapter shall be construed to prohibit anyone from castrating or dehorning any wild or domestic animal.

SECTION 33.

(a) Every licensed veterinarian has a lien on each animal or pet treated, boarded, or cared for by the veterinarian while in the veterinarian's custody and under contract with the owner of such animal or pet for payment of charges for treatment, board, or care of such animal or pet. Such veterinarian has the right to retain such animal or pet until such charges are paid.

(b)

(1) If the charges due for the services named in this section are not paid within ten (10) days after demand for the charges due on the owner of such animal or pet, in person or by registered or certified mail with return receipt requested, addressed to the owner at the address given when such animal or pet is delivered, and the receipt has been returned by the United States postal authorities, such animal or pet shall be deemed to be abandoned and the licensed veterinarian is authorized to sell the animal or pet either at public or private sale, and if the veterinarian does not succeed in selling such animal or pet within ten (10) days, then the veterinarian is authorized to dispose of such animal or pet in any manner that the veterinarian deems proper or turn the

animal or pet over to the nearest humane society or dog pound in the area for disposal as such custodian deems proper.

(2) An animal shall also be considered abandoned by its owner if the owner gives a licensed veterinarian a false address and telephone number and the demand mailed by the licensed veterinarian registered or certified mail, return receipt requested, is returned undelivered. Under the circumstances provided in this subdivision (b)(2), the licensed veterinarian may consider the animal abandoned when the veterinarian receives notice that the mailed demand is undeliverable, and the licensed veterinarian may dispose of the animal as provided in subdivision (b)(1). As an alternative, the licensed veterinarian may turn the animal or pet over to the nearest humane society or animal control shelter in the area for disposition of the animal as such custodian deems proper without first offering the animal or pet for sale.

(c) The giving of notice to the owners, as provided in subsection (b), relieves the licensed veterinarian, or any custodian to whom such animal or pet may be given, of any further liability for disposal.

(d) Failure of the owner of any such animal or pet to receive the demand by registered or certified mail provided for in this section does not render the licensed veterinarian liable to the owner of such animal or pet for the disposal thereof in any manner provided in this section.

(e) When any animal or pet is sold as authorized in this law to satisfy a lien for any of the services enumerated, any moneys realized from the sale, less such charges and any expenses incurred in making the demand for payment thereof in connection with the sale, shall be paid to the owner of the animal or pet.

(f) No legal proceeding for the enforcement of the lien created by this act is necessary concerning abandoned animals as defined in subsection (b), other than compliance with the requirements provided in this section.

SECTION 34.

(a) The board shall examine and license veterinary technicians, and has the same authority in the regulation, examination, and qualification of licensed veterinary technicians as it has under the provisions of this chapter, for the practice of veterinary medicine and veterinarians.

(b) Any licensed veterinarian may assign to a licensed veterinary technician regularly employed by the veterinarian any task or procedure to be performed for which the veterinarian exercises direct supervision and full responsibility, except those procedures requiring professional judgment or skill as prescribed by board rule.

(c) The fees provided in this chapter pertaining to applications, licensing, and renewal for veterinarians also apply to licensed veterinary technicians.

(d) It is a Class B misdemeanor for any person to use in connection with the person's name any designation intending to imply that the person is a veterinary technician or a licensed veterinary technician unless the person meets the requirements contained in this chapter.

(e) The board may on its own motion cause to be investigated any report indicating that a licensed veterinary technician is or may be in violation of the provisions of this chapter. Any person who in good faith reports to the board any information that a licensed veterinary technician is or may be in violation of any provisions of this chapter is not subject to suit for civil damages as a result thereof.

SECTION 35.

(a) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state, or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.

(b) No person, corporation, or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:

(1) Any person, corporation, or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and

(2) The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.

(c) The following are exempt from this section:

(1) A veterinarian employed by a person, corporation, or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal or animals;

(2) A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and

(3) A veterinarian employed by any licensed research facility.

SECTION 36.

(a) As used in this section, "peer review committee" or "committee" means any committee, board, commission, or other entity constituted by any state-wide veterinary medical association, or local veterinary medical association, or local veterinary

association for the purpose of receiving and evaluating veterinary acts of other veterinarians or veterinary auxiliary personnel.

(b) Any veterinarian who serves on any peer review committee or on any other committee shall be immune from liability with respect to any action taken by the veterinarian in good faith and without malice as a member of such committee, board, commission, or other entity.

(c) Veterinarians, licensed veterinary technicians, and members of boards of directors of any publicly supported or privately supported animal health care facility, or any other individual appointed to any committee, as described in subsection (a), shall be immune from liability to any client, patient, individual, or organization for furnishing information, data, reports, or records to any such committee, or for damages resulting from any decision, opinions, actions, and proceedings rendered, entered or acted upon by such committees undertaken or performed within the scope or functions of the duties of such committees, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

(d) All information, interviews, reports, statements, memoranda or other data furnished to any such peer review committee or other entity, and any findings, conclusions, or recommendations resulting from the proceedings of such committee or other entity are privileged. The records and proceedings of any such committee or other entity are confidential and shall be used by such committee or other entity and the members thereof only in the exercise of the proper functions of the committee or other entity, and shall not become public record nor be available for court subpoena or discovery proceedings. Nothing contained in this subsection (d) applies to records, documents, or information otherwise available from original sources. Such records,

documents or information shall not to be construed as immune from discovery or use in any civil proceedings solely due to presentation to the committee.

SECTION 37.

(a) Any person who owns or operates any veterinary facility, including mobile clinics, or any other premises where a licensed veterinarian practices or where the practice of veterinary medicine occurs, shall apply for and secure a premises permit from the board prior to the commencement of any services that would subject the provider of those services to licensure under this chapter.

(b) A premises permit shall be issued if the premises meet minimum standards established by board rules and regulations as to sanitary conditions and physical plant. In lieu of the above procedures, the board may issue a premises permit upon certification by the applicant that the premises have been inspected and accredited by a recognized organization, the standards of which are found by the board to meet or exceed the minimum standards established by board rules and regulations. All veterinary facilities located in retail establishments shall have an entrance into the permitted premises that is directly on a public street or public parking area, and such entrance shall be separate from the entrance used by regular retail customers. For purposes of this chapter, "retail establishment" means any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center. The costs of any inspection undertaken by the board shall be set by the board and paid, in advance, by the applicant, in addition to the fee established by the board for the premises permit.

(c) Each application for a premises permit submitted by a person not licensed under this chapter shall state the name and address of the licensed veterinarian who will

be responsible for the provision of veterinary medicine on the premises. The supervising veterinarian shall be licensed in Tennessee. The applicant shall also include the name or names and address or addresses of the licensee or licensees who will be on-site when veterinary medical services are provided. The applicant shall affirm that no veterinary medical services shall be provided without the physical presence of a veterinarian licensed in Tennessee. An application for a premises permit submitted pursuant to this section may be denied if any veterinarian submitted by the applicant has been previously disciplined by the board. The holder of a premises permit shall notify the board of any change of ownership or legal responsibility for premises for which a permit has been issued, any change as to the supervising veterinarian for the premises, and any change as to the licensed veterinarian or veterinarians who will be employed to provide veterinary medical services at the premises at least thirty (30) days prior to the effective date of the change unless the change arises from unforeseen circumstances, in which case notice shall be given within five (5) days of the effective date of the change.

(d) The board shall deny any application for a premises permit if the inspection reveals that the premises do not meet the minimum standards established by the board. The applicant shall pay the inspection fee for each additional reinspection required to determine whether any deficiencies found by the board have been brought into compliance with the minimum standards established by board rules and regulations as to sanitary conditions and physical plant.

(e) Any practitioner who provides veterinary services on a house-call basis and does not maintain a veterinary facility for the receipt of patients shall not be required to secure a premises permit, but must provide for appropriate equipment and facilities as established by the board.

(f) Any practitioner who provides veterinary services solely to agricultural animals and does not maintain a veterinary facility for the receipt of patients shall not be required to obtain a premises permit, but must provide for appropriate equipment and facilities as established by the board.

(g) Mobile large and small animal veterinary clinics operating in more than one (1) location and examining and/or treating animals belonging to multiple clients whose animals are not permanently housed or boarded at that location or locations shall have a premises permit for the mobile facilities that are utilized, unless exempted by state or local public health officials. Such mobile clinics shall also specify the locations at which such mobile clinics will operate. Such information shall be considered as part of the application for a premises permit. Any change in the locations at which the mobile clinics will operate shall be reported to the board at least thirty (30) days in advance of the effective date of the change.

(h) The following are exempt from this section:

(1) A veterinary facility owned by a person, corporation, or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal or animals;

(2) A veterinary facility operated by an official agency of the federal or state government; and

(3) A licensed research facility.

(i) The board shall be authorized to employ such persons who may be required, in its discretion, to inspect premises under the jurisdiction of the board. The board shall establish a fee schedule for inspections required under this chapter. An applicant for a premises permit shall remit to the board an application fee, which shall be equal to the license fee required of licensed veterinarians. A licensed veterinarian or an applicant for

licensure as a veterinarian shall not be required to submit an additional fee for a premises permit, but shall be required to submit the required inspection fee, if such licensed veterinarian or applicant also submits an application for a premises permit.

SECTION 38.

(a) It is an offense to knowingly operate a veterinary facility in this state without a premises permit.

(b) A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.

SECTION 39.

(a) The board of veterinary medical examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any animal control agency that it determines to be qualified, a certificate authorizing the agency to apply to the federal drug enforcement agency, including any successor entity, for a restricted controlled substance registration certificate for the purchase, possession, and use of sodium pentobarbital or other drugs as authorized by the board for administration by a certified animal euthanasia technician to euthanize injured, sick, or abandoned animals. It is a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal control agency unless a certificate has been granted under the provisions of this chapter.

(b) The board, upon submission of a complete application and payment of a fee established by the board, shall issue to any person who it determines to be qualified, a certificate for such person to function as a certified animal euthanasia technician. It is a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal euthanasia technician unless a certificate has been granted under the provisions of this chapter.

(c) Euthanasia of animals in a certified animal control agency may only be performed by a licensed veterinarian, including a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician as provided by law. A certified animal control agency that employs a certified animal euthanasia technician may purchase, possess, and administer sodium pentobarbital or such other drug that the board may approve for the euthanasia of animals. Sodium pentobarbital and such other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency.

(d) Certified animal control agencies and certified animal euthanasia technicians shall be required to renew their certificates at such intervals, upon such conditions, and upon the payment of such fees as may be established by the board.

SECTION 40. Any licensed veterinarian, or ancillary veterinary personnel employed by and working under the direct supervision of a licensed veterinarian, who, in good faith, at such person's own initiative, renders emergency treatment to an ill or injured animal gratuitously and without making charge for such treatment, is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of gross negligence. If the licensed veterinarian, or ancillary veterinary personnel acting under the direct supervision of a licensed veterinarian, performs euthanasia on an animal, it is presumed that it was a humane act necessary to relieve pain and suffering.

SECTION 41. The board shall promulgate rules governing the assessment of costs against a licensee or other person found by the board to have violated any provision of this chapter. The costs assessed by the board may include only those costs directly related to the prosecution of the charges against the licensee or other person, including investigatory costs where appropriate. The board shall determine the appropriate amount of costs, if any, to be

assessed in a contested case. These costs shall be reasonable and proportionate in light of the violation committed by the licensee or other person.

SECTION 42. Upon the effective date of this act, the board of veterinary medical examiners is transferred to and attached administratively to the department of agriculture.

SECTION 43. Based upon an implementation plan developed by the commissioner of finance and administration, the commissioner of finance and administration with the assistance and approval of the department of personnel, shall cause to be transferred to the department of agriculture any filled or unfilled, authorized and funded positions assigned to the board of veterinary medical examiners together with any other employees, or positions, of the department of agriculture. The process of transferring the positions and employees pursuant to this act shall be completed by January 1, 2007.

SECTION 44. For administrative purposes and in accordance with the implementation plan developed by the commissioner of finance and administration, 2006-2007 fiscal year appropriations to the board of veterinary medical examiners shall be transferred to the department of agriculture, and the department of finance and administration shall revise the present budget, as well as all future budgets of the department of health and the department of agriculture to reflect the provisions of this act.

SECTION 45. All personal property, equipment, and other materials made available to the department of health for the board of veterinary medical examiners shall be transferred to the custody and control of the department of agriculture.

SECTION 46. All contracts or leases entered into prior to the effective date of this act by the board of veterinary medical examiners with respect to any program or function transferred by this act with any entity, corporation, agency, enterprise, or person shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on the effective date of this act, to the same extent as if such contracts

had originally been entered into by and between such entity, corporation, agency, enterprise, or person and the department of agriculture, unless and until such contracts or leases are amended, modified or terminated by the parties thereto.

SECTION 47.

(a) All rules, regulations, orders, and decisions issued or promulgated by the board of veterinary medical examiners shall remain in full force and effect, and shall be administered and enforced by the board. The board shall have the authority to modify or repeal orders or rules and regulations previously issued and to adopt, issue, or promulgate new orders or rules and regulations as may be necessary for the administration of the programs or functions transferred by this act.

(b) The Tennessee code commission is directed to change references to the existing titles of officials, offices, departments, agencies, and entities, wherever they appear in this code, to conform to the titles of officials, offices, departments, agencies, and entities created by the provisions of this act.

SECTION 48. The transfer of the functions and activities of the board of veterinary medical examiners shall not, because of the transfer, result in any career service employee suffering loss of employment, compensation, benefits, or civil service status. Such rights, benefits and compensation shall continue without any impairment, interruption, or diminution; provided, the department may engage in disciplinary actions or reductions in force as provided for in law. The commissioner of personnel is authorized to enforce this section and shall determine that the rights, benefits, and compensation are not impaired, interrupted, or diminished. Also, any employee aggrieved by any impairment in violation of this section shall have the right to seek redress through the grievance procedure established in § 8-30-328.

SECTION 49. Tennessee Code Annotated, Section 67-6-102(a)(32)(F)(v), is amended by deleting the language "as defined in § 63-12-103" and by substituting instead the language "as defined in Section 5 of this act".

SECTION 50. Tennessee Code Annotated, Section 68-1-101(8), is amended by deleting subdivision (U) in its entirety.

SECTION 51. Tennessee Code Annotated, Section 4-29-121, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) On or before June 30 each year, the commissioner shall certify to the government operations committee of each house and the Tennessee code commission a list containing the name of each regulatory board, commission and entity administratively attached to the division of regulatory boards within the department of commerce and insurance, the division of health related boards within the department of health, and to the department of agriculture, that did not, during such fiscal year, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity.

SECTION 52. All members of the board of veterinary medical examiners shall continue to serve as members of the board until such members resign or otherwise discontinue their service on the board, or their terms expire pursuant to law.

SECTION 53. Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting item (19) in its entirety and by substituting instead the following:

(19) Board of veterinary medical examiners, created by Section 6 of this act;

SECTION 54. This act shall take effect July 1, 2006, the public welfare requiring it.